DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/22/08 have been fully considered but they are not persuasive. Applicant's main argument on page 4, appears to be that, "each of the managers are a separate logical component that interfaces with the session manager; the session manager and resource manager cooperate to form an architecture partitioned into logical components where each logical component interfaces with at least one other logical component through a defined interface; the Gordon patents fail to teach these limitations…The Gordon references relate to interactive information distribution systems but they fail to teach a system having the claimed managers being separate logical components within a partitioned architecture". Examiner respectfully disagrees with this position.

First of all, Gordon '375 discloses the session manager 106, information server 102, and network manger 114 as separate logical entities in the drawings (Fig. 1), as well as discussing them separately in the specification, (col. 4, lines 26-67; col. 5, lines 45-61; col. 6, lines 29-65) based on their distinct functions. Examiner points out that the claimed, *'partitioned architecture'* is broad enough to read on the logical components being stored on separate computer devices or separately within a single computing device.

Secondly, Gordon '700 also clearly discloses the schedule manger 104, storage resource manager 102, polling manager 106, configuration manager 108 as separate logical entities in Fig. 4. Furthermore, Gordon '700 discloses that the "asset management system 100 comprises four basic managers integrated together… Each of the managers and managers within a basic or primary manager are integrated and interconnected with and have access to the other managers".

As for the specifics of a *'defined interface'*, the Gordon references do not discuss the details of its interface. Nevertheless, both references are directed to on demand management system that coordinates the two-way communication between the plurality of service managers or modules; a defined interface would necessarily be included in both of the systems, since without such a defined interface all communication would need to be re-defined at least each different session, which would be extremely time consuming and inefficient.

Applicant also requests support for the Official Notice taken, regarding an encryption manager. In response, Richards (U.S. Pat # 6,069,957) is supplied. The instant reference discloses an encryptor 200 (Fig. 29) that is responsible for encrypting data transmitted to a customer. Even though Gordon '375 discusses that to reduce costs, the system attaches a random PID to the program materials, instead of using encryption (col. 3, lines 12-25), Richards likewise recognizes that some encryption algorithm are expensive. However, Richards (col. 3, lies 21-67 thru col. 4, lines 1-51; col. 5, lines 62-67) notes that even if an encryption algorithm is weak, as long as it forces a hacker to attack the key instead of the encryption algorithm, it is still sufficient, which is itself preferable to the hacker attacking the video content itself. Gordon does

not teach away from the encryption algorithm by using a technique that is incompatible with encryption. But rather, Richards provides an inexpensive encryption algorithm, (which addresses the business/cost consideration discussed by Gordon '375), that provides an added layer of security to the system utilized by Gordon '375.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon, (U.S. Pat # 6,253,375), hereinafter referred to as Gordon '375, in view of Gordon (U.S. Pat # 5,920,700), hereinafter referred to as Gordon '700 and Richards, (U.S. Pat # 6,069,957).

Considering claim 20, the claimed system for on-demand session resource management in an on-demand platform for the delivery of on-demand digital assets, the system comprising;

'a session manager' is met by the video session manager 106, of Gordon '375, which associates the selected program with an open session for that particular subscriber, see col. 4,

lines 15-25 & col. 6, lines 29-45.

'on demand resource manager for managing resources associated with the on demand delivery of digital asset to an on demand client' reads on the operation of the server 102, of Gordon '375, which accepts information requests from the session manage 106, recalls that information from memory and generates a plurality of program streams containing the information. However, the server 102 of Gordon '375 does not explicitly disclose the all of the claimed features of a 'manager'. Nevertheless Gordon '700, which is in the same field of endeavor, discloses a storage resource manager 102 that more specifically teach these elements, see col. 5, lines 24-45. It would have been obvious for one of ordinary skill in the art, to modify Gordon '375 with the teachings of Gordon '700, at least for the desirable advantage of optimizing the utilization of memory devices, as taught by Gordon '700, see col. 3, lines 55-60.

As for the claimed features of the *'session manger' and 'resource manager' cooperating and being separate logical components*, both Gordon '375 and Gordon '700, present the manager details as separate logical entities. Also both references provide a distributed and scalable system.

'network resource manager for allocating and managing resources from a transport network associated with the on demand delivery of the digital asset', is met by the network manager 114 of Gordon '375, (Fig. 1; col. 5, lines 45-61).

'edge resource manager for allocating and managing resources from edge devices associated with the one demand delivery of the digital asset' reads on the configuration manager 108, Gordon '700, col. 5, lies 10-25.

Regarding the claimed *'encryption manager'*, the cited references do not discuss an encryption module or manager. However, Richards teaches that even though some encryption is expensive, it is still desirable to at least use a more cost effective encryption scheme, see col. 3, lines 21-65. Thus, Richards discloses an encryption processor at a service headend that corresponds with the claimed encryption manager, col. 6, lines 1-16; col. 12, lines 45-67; col. 16, lines 45-55. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Gordon '375 with encryption, for the desirable improvement of protecting video content from being hacked into by transmitting the instant video within an encrypted package that can only be unlocked using an appropriate decryption key.

Considering claim 21, the claimed features are consistent with the operation of the information server 102 disclosed in Gordon '375 which provides "packetized data streams, via path 104, to one or more video session mangers 106, and a synchronization clock signal via path 103", col. 4, lines 25-45; col. 7, lines 15-45. Furthermore, the storage resource manager 102 of Gordon '700 also meets the claimed subject matter, col. 5, lines 24-62.

Considering claim 22, see Gordon '375, col. 4, lines 25-65 & col. 8, lines 7-65, detailing operation of the information server 102 and video session manger 106 that meets the claimed subject matter.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:
(571) 273-8300, (for formal communications intended for entry)
Or:
(571) 273-7290 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REUBEN M. BROWN M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

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